The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

AMENDING IMMIGRATION AND NATIONALITY ACT TO UPDATE CLASSIFICATION OF CHILDREN IN U.S. IMMIGRATION LAWS

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the Senate bill (S. 457) to amend the Immigration and Nationality Act to update references in the classification of children for purposes of U.S. immigration laws, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. GEKAS. Reserving the right to object, Mr. Speaker, I would ask the gentleman from Texas if he would mind explaining the contents of the legislation briefly or lengthily.

Mr. SMITH of Texas. Mr. Speaker, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Texas.

(Mr. SMITH of Texas asked and was given permission to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, S. 457 amends the immigration laws to change the term ''legitimate child'' to a ''child born in wedlock,'' as well as change the term ''illegitimate child'' to ''a child born out of wedlock.'' This change in terminology does not provide a substantive change in the immigration laws. However, while technical, the change will help to facilitate the adoptions of foreign national children by American couples.

(Mr. GEKAS asked and was given permission to revise and extend his remarks.)

Mr. GEKAS. Continuing my reservation of objection, Mr. Speaker, I thank the gentleman from Texas [Mr. SMITH] for explaining the content of the bill, and for a brief expansion of his remarks I want him to know, and our colleagues, as he would know, the history of this legislation.

Mr. Speaker, the Senate had already passed something, actually had been in contact with us earlier on it, and that was the consequences then of what happened over in the Senate. We here in the House would have to go through a lengthier procedure in order to arrive at the same final tunnel, so we are simply acceding to the Senate version at this time.

Mr. Speaker, the measure we are here considering changes language dealing with children in the Immigration and Nationality Act and has enormous impact in the area of international child adoption. Passage of this legislation is one of those small but incredibly important successes in improving government for the citizens of the United States in which we must take pride. Its effect will be felt nationwide.

As noted, S. 457, sponsored in the other body by our former House colleague, Senator Paul Simon of Illinois, is a carbon copy of a bill, H.R. 1204, which I sponsored here in the 104th Congress. The language of H.R. 1204 has been considered and approved in the House by the Judiciary Subcommittee on Immigration and Claims, chaired by Mr. LAMAR SMITH of Texas, and by the full Committee on the Judiciary, Chaired by Mr. HYDE of Illinois, as part of H.R. 2202, the ''Immigration in the National Interest Act of 1995'' and is awaiting floor action. However, because the Senate acted first on their measure we are obliged to take up S. 457 as the most expeditious route to getting the measure signed into law by the President. This member has no pride of authorship problem, no concerns about credit. My main concern is that we make the changes embodied in the bill as quickly as possible so that families involved in international adoptions will have some relief from the problems they have heretofore encountered. Consideration of the House bill at this time would require referral back to the Senate, possibly adding months of required parliamentary action before achieving the language changes needed, months of unnecessary agony for the families and children we seek to help.

Let me explain to my colleagues in the House just what the language of S. 457/H.R. 1204 does. International adoption has become a very popular method for those individuals who must use the adoption route. However, for the thousands of Americans who pursue them every year (about 15 percent of total U.S. adoptions) international adoptions can be very complicated.

Current U.S. law regarding international adoptions is in a state of some confusion. Our law requires that a child be certified as an ''orphan'' in order to be eligible for adoption by an American and for an immigrant visa to the United States. This orphan certification can be accomplished in one of two ways: proof that both parents are dead or an irrevocable release for adoption and emigration by a ''sole parent''. Under U.S. law, a sole parent is defined as the mother of an ''illegitimate child''. But many countries have stopped using the term ''illegitimate'' and ''legitimate'' and instead use ''born out of wedlock'' and ''born in wedlock''. Since children born out of wedlock are regarded as legitimate in many countries, and under U.S. law a legitimate child is not eligible for orphan classification based solely on the mother's release (unless the father has died), a problem of definitions occurs which has ground to a halt international adoptions by U.S. families.

The simple solution to this problem is to substitute in the section of the INS Act that defines ''child'' for immigration purposes the terms ''legitimate child'' and ''illegitimate child'' with ''child born in wedlock'' and ''child born out of wedlock''. With this change, we can ensure that Americans will be able to proceed with international adoptions that meet the legal definitions of both the host country and the United States.

I have attached a May 31, 1995 letter from the Department of State and the Immigration and Naturalization Service—DOJ—which indicates their strong support for this change. And, in a June 8, 1995, letter to Ms. Mary Thomas, Romanian Children's Connection, Alexandria, Virginia, from Maura Harty, Managing Director, Office of Overseas Citizens Services, U.S. Department of State, Ms. Harty states.

As you may also know, the Department of State has included in its Consular efficiency legislation proposal of 1995 a request for an amendment to section 101(b) of the Immigration and Nationality Act. This change will prevent U.S. citizens from being disadvantaged by the increasing worldwide trend to declare all children legitimate, regardless of whether born in or out of wedlock. We anticipate this change will relieve the problem at its source.

Additionally, the attached letter from Wendy R. Sherman, Assistant Secretary, Legislative Affairs, U.S. Department of State, to the Honorable Charles E. Grassley, United States Senator, illuminates further on the need for the changes made by S. 457/H.R. 1204 with specific mention that the amendment ''should not adversely affect the rights of natural fathers.''

Mr. Speaker, I commend the House of Representatives and the other body for its passage of this measure and encourage the President to quickly sign this correction into law.

DEPARTMENT OF STATE,
Washington, DC, May 31, 1995.

Hon. GEORGE W. GEKAS,
House of Representatives,
Washington, DC.

DEAR MR. GEKAS: We are pleased to learn of your sponsorship through House Bill 1204 of a ''technical correction'' to the Immigration and Nationality Act (INA).

This bill would amend the INA by substituting ''a child born out of wedlock'' for current language which describes a child as ''legitimate'' or ''illegitimate'' under the Act. The substituted terminology will permit a foreign child released unequivocally for adoption to qualify for an immigrant visa.

We are writing to let you know that this legislation has the unqualified support of both the Immigration and Naturalization Service and the Department of State. We hope that it is enacted in the very near future. Thank you for your assistance.

DORIS MEISSNER,
Commissioner Immigration and Naturalization Service, Department of Justice.

MARY A. RYAN,
Assistant Secretary Bureau of Consular Affairs, Department of State.

U.S. DEPARTMENT OF STATE,
Washington, DC.

Hon. CHARLES E. GRASSLEY,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRASSLEY: You have asked whether legislative proposal S. 457 would adversely affect the rights of a foreign child's natural father in the context of an adoption. This proposal would amend Sections 101(b)(1) and (b)(2) of the Immigration and Nationality Act (INA), 8 U.S.C. 1101(b)(1) and (b)(2), by replacing the words ''legitimate child'' with ''child born in wedlock'' and ''Illegitimate child'' with ''child born out of wedlock.''

INA Sections 101(b)(1) and (b)(2) define the terms ''child'' and ''parent'', thereby establishing the conditions that must be met in order for an individual to qualify for U.S. immigration benefits on the basis of a parent-child relationship with a U.S. citizen. Specifically, subsections 101(b)(1)(E) and (F) set

forth the three definitions of ''child'' that by virtue of which a foreign child adopted by U.S. citizen parents may qualify for an immigrant visa. One of these definitions, in subsection 101(b)(1)(F), requires that the child be irrevocably released for adoption by the sole or surviving parent. The use of this provision has been particularly important in the context of private adoptions, where a child is released for adoption to a specified family.

As the statute is currently drafted, however, all parents of legitimate children are considered to be a ''parent'' for INA purposes. In recent years, many countries from which U.S. citizens adopt children have eliminated the distinction between legitimate and illegitimate children, making all children born within that jurisdiction legitimate by action of law. A child born in such a country cannot be considered to have a ''sole parent,'' even if the child was born out of wedlock and even if the child's father has disappeared completely.

A child's ability to qualify for an immigrant visa under the ''sole parent'' provision has thus come to depend in many instances on where the child happens to have been born rather than on the nature of the child's relationship with his or her natural parents. In countries where all children are ''legitimate,'' a private placement adoption becomes extremely difficult. The child may be issued an immigrant visa only under one of the other two definitions in INA section 101(b)(1): the child must either be abandoned unconditionally by the mother, usually to an orphanage (Subsection 101(b)(1)(F)), or the adopting U.S. parents must complete the adoption in the foreign country and reside in the country with the adopted child for two full years (Subsection. 101(b)(1)(E)). It seems pointless to put adopting parents through such protracted procedures simply because under local law the child is considered ''legitimate'' even though its parents were never married and its father has played no role in its life. In a different country where on the same facts the child would be ''illegitimate,'' an immigrant visa could be issued relatively easily under the ''sole parent'' provision of INA Section 101(b)(1)(F).

While the proposed amendment will, therefore, facilitate private adoptions in countries where all children are considered ''legitimate,'' it should not adversely affect the rights of natural fathers. Rather it will restore flexibility to the visa process and permit adoption and visa decisions to be made on the basis of all relevant facts, rather than predetermined by the happenstance of whether local law regards the child as ''legitimate'' or ''illegitimate.'' The interests of the natural father will be protected in a variety of ways. First, as is already the case with ''illegitimate'' children, the ''sole parent'' provision will not be available in the case of a children born out of wedlock unless the father has ''disappeared or abandoned or deserted the child or . . . has in writing irrevocably released the child for emigration and adoption.'' (INA Section 101(b)(2).) The consular officer will have to apply this standard in deciding whether the required visa can be issued under the ''sole parent'' provision. In addition, the INA contemplates that U.S. parents adopting a foreign child will either adopt the child abroad or comply with preadoption requirements and then adopt the child in the United States. Under either scenario, the foreign country's adoption and/or emigration procedures will presumably ensure that any rights of the natural father under foreign law are respected.

I hope this information is useful to you, and that you will support early consideration of the legislation.

Sincerely,

WENDY R. SHERMAN,
Assistant Secretary,
Legislative Affairs.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 457

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITION OF CHILD.

Section 101(b) of the Immigration and Nationality Act (8 U.S.C. 1101(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''legitimate child'' and inserting ''child born in wedlock''; and

(B) in subparagraph (D), by striking ''an illegitimate child'' and inserting ''a child born out of wedlock''; and

(2) in paragraph (2), by striking ''an illegitimate child'' and inserting ''a child born out of wedlock''.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 5 p.m. today.

NATIONAL CHILDREN'S ISLAND ACT OF 1995

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1508) to require the transfer of title to the District of Columbia of certain real property in Anacostia Park to facilitate the construction of National Children's Island, a cultural, educational, and family-oriented park, as amended.

The Clerk read as follows:

H.R. 1508

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Children's Island Act of 1995''.

SEC. 2. DEFINITIONS.

For the purposes of this Act:

(1) The term ''plat'' means the plat filed in the Office of the Surveyor of the District of Columbia under S.O. 92–252.

(2) The term ''District'' means the District of Columbia.

(3) The term ''Islands'' means Heritage Island and all of that portion of Kingman Island located south of Benning Road and within the District of Columbia and the Anacostia River, being a portion of United States Reservation 343, Section F, as specified and legally described on the Survey.

(4) The term ''National Children's Island'' means a cultural, educational, and family-oriented recreation park, together with a children's playground, to be developed and operated in accordance with the Children's Island Development Plan Act of 1993, D.C. Act 10–110.

(5) The term ''playground'' means the children's playground that is part of National Children's Island and includes all lands on the Islands located south of East Capitol Street.

(6) The term ''recreation park'' means the cultural, educational, and family-oriented recreation park that is part of National Children's Island.

(7) The term ''Secretary'' means the Secretary of the Interior.

(8) The term ''Survey'' means the ALTA/ACSM Land Title Survey prepared by Dewberry & Davis and dated February 12, 1994.

SEC. 3. PROPERTY TRANSFER.

(a) TRANSFER OF TITLE.—In order to facilitate the construction, development, and operation of National Children's Island, the Secretary shall, not later than six months after the date of enactment of this Act and subject to this Act, transfer by quitclaim deed, without consideration, to the District all right, title, and interest of the United States in and to the Islands. Unbudgeted actual costs incurred by the Secretary for such transfer shall be borne by the District. The District may seek reimbursement from any third party for such costs.

(b) GRANT OF EASEMENTS.—(1) The Secretary shall, not later than six months after the date of enactment of this Act, grant, without consideration, to the District, permanent easements across the waterways and bed of the Anacostia River as described in the Survey as Leased Riverbed Areas A, B, C, and D, and across the shoreline of the Anacostia River as depicted on the plat map recorded in the Office of the Surveyor of the District as S.O. 92–252.

(2) Easements granted under paragraph (1) shall run with the land and shall be for the purposes of—

(A) constructing, reconstructing, maintaining, operating, and otherwise using only such bridges, roads, and other improvements as are necessary or desirable for vehicular and pedestrian egress and ingress to and from the Islands and which satisfy the District Building Code and applicable safety requirements;

(B) installing, reinstalling, maintaining, and operating utility transmission corridors, including (but not limited to) all necessary electricity, water, sewer, gas, necessary or desirable for the construction, reconstruction, maintenance, and operation of the Islands and any and all improvements located thereon from time to time; and

(C) constructing, reconstructing, maintaining, operating, and otherwise providing necessary informational kiosk, ticketing booth, and security for the Islands.

(3) Easements granted under paragraph (1) shall be assignable by the District to any lessee,